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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,797	08/25/2003	Akihiro Matsuya	00862.023188.	1223
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EXAMINER				
GELAGAY, SHEWAYE				
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2437				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/646,797

Applicant(s)

MATSUYA, AKIHIRO

Examiner

SHEWAYE GELAGAY

Art Unit

2437

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the Applicant's amendment filed on March 23, 2009. Claims 1-3, 7, 10 have been amended. Claims 8-9 are cancelled. New claim 11 has been added. Claims 1-7 and 10-11 are pending.

Response to Arguments

2. Applicant's arguments filed on 3/23/09 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 and 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1, 7, 10 and 11, the phrase "kind of remote operation" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "kind of"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

5. Dependent claims 2-6 are also rejected for inheriting the deficiencies of the independent claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 6-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berson et al. (hereinafter Berson) U.S. Patent Number 6,938,154 in view Rublee et al. (hereinafter Rublee) US 2003/0043416 and in view of Yoshimoto US 6,237,023.

As per claims 1, 7 and 10-11:

Berson teaches a remote operation method of an information processing apparatus connected to an authentication apparatus and an image processing via a network, the method comprising:

an accessing step of accessing the image processing apparatus; (col. 4, line 26-col. 5, line 3)

a reception step receiving from the image processing apparatus data which authenticates an operation level of a remote operation, as a response to the accessing in the accessing step; (col. 4, line 26-col. 5, line 3)

a request step of issuing a request for the authentication process to the authentication in a case where an instruction to operate remotely the image processing apparatus is input by a user; (col. 4, line 26-col. 5, line 3) and

a remote operation step of, upon remotely operating the image processing apparatus, performing an executable kind of remote operation specified by the operation level authenticated in the authentication process. (col. 4, line 26-col. 5, line 3)

Berson does not explicitly disclose transmitting data specifying the authentication apparatus; a request step of issuing a request for the authentication process to the authentication apparatus based on the data received in the reception step; and wherein the authentication process is to authenticate an operation level of the remote operation performed by the information processing apparatus. Rublee in analogous art, however, transmitting data specifying the authentication apparatus; and a request step of issuing a request for the authentication process to the authentication apparatus based on the data received in the reception step. (page 3, pp. 25-29) Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the system disclosed by Berson with Rublee in order to provide an authentication means that to authenticate the apparatus on the network by accepting information identifying a user of the apparatus. (page 1, pp. 8; Rublee)

Both references do not explicitly disclose wherein the authentication process is to authenticate an operation level of the remote operation performed by the information processing apparatus. Yoshimoto in analogous art, however, discloses authentication process to authenticate an operation level of the remote operation performed by the host computer. (col. 2, lines 39-53; col. 4, lines 15-40) Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the

system disclosed by Berson and Rubelee with Yoshimoto in order to determine whether the request is within the limits of authority. (col. 4, lines 30-31; Yoshimoto)

As per claim 6:

The combination of Berson, Rublee and Yoshimoto teaches all the subject matter as discussed above. In addition Berson further discloses a method wherein the operation with respect to the information is at least one of download, browsing, printing, and transfer. (col. 4, lines 26-35)

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berson et al. (hereinafter Berson) U.S. Patent Number 6,938,154 in view Rublee et al. (hereinafter Rublee) US 2003/0043416 and in view of Yoshimoto US 6,237,023 and further in view of US Publication Number 2003/0163730 and in view of Matasushima U.S. Patent Number 7,117,493.

As per claim 2:

The combination of Berson, Rublee and Endoh teaches all the subject matter as discussed above. None of the references explicitly disclose wherein the transmission step add-on software including the data is transmitted to the host computer, and in said authentication step the authentication process is executed by the add-on software. Matasushima in analogous art, however, discloses wherein the transmission step add-on software including the data is transmitted to the host computer, and in said authentication step the authentication process is executed by the add-on software. (col. 4, lines 1-31; col. 8, lines 38-55) Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Berson, Rublee and Yoshimoto with

Matasushima in order to have a system to legitimately and efficiently acquire and execute software after the image processing device is activated. (col. 1, lines 45-54; Matasushima)

3. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berson et al. (hereinafter Berson) U.S. Patent Number 6,938,154 in view Rublee et al. (hereinafter Rublee) US 2003/0043416 and in view of Yoshimoto US 6,237,023 in view of Matasushima U.S. Patent Number 7,117,493 and further in view of Okazaki et al. (hereinafter Okazaki) U.S. Patent Number 7,158,657.

As per claims 3-4:

The combination of Berson, Rublee, Yoshimoto and Matasushima teaches all the subject matter as discussed above. None of the references explicitly disclose a method wherein the authentication process is performed using a dictionary which defines codes stored in the host computer and operations with respect to the image processing apparatus. Okazaki in analogous art, however, discloses wherein the authentication process is performed using a dictionary which defines codes stored in the host computer and operations with respect to the image processing apparatus. (figure 23, item 114; col. 18, lines 25-28) Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Berson, Rublee, Yoshimoto and Matasushima with Okazaki in order to collate the operations with registered operation in the authentication server. (col. 1, lines 45-54; Matasushima)

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berson et al. (hereinafter Berson) U.S. Patent Number 6,938,154 in view Rublee et al. (hereinafter

Rublee) US 2003/0043416 and in view of Yoshimoto US 6,237,023 in view of Matasushima U.S. Patent Number 7,117,493 and further in view of Okazaki et al. (hereinafter Okazaki) U.S. Patent Number 7,158,657 and Roskind et al. (hereinafter Roskind) US Publication Number 2003/0163730.

As per claim 5:

The combination of Berson, Rublee, Yoshimoto, Matasushima and Okazaki teaches all the subject matter as discussed above. None of the references explicitly disclose wherein the data is an address of the authentication apparatus on the network Roskind in analogous art, however, teaches wherein the data is an address of the authentication apparatus on the network. (page 3, paragraph 31) Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the system disclosed by Berson, Rublee, Yoshimoto, Matasushima and Okazaki with Roskind in order to have a distributed authentication system with relatively small size of authentication database. In this way, the user's detailed authentication information is stored only in one participant server's authentication database. (page 3, paragraph 31; Roskind)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEWAYE GELAGAY whose telephone number is (571)272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. G./
Examiner, Art Unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437